

Applic. No. 10/653,793

Amdt. dated May 17, 2005

Reply to Office action of February 17, 2005

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-15 remain in the application. Claim 1 has been amended.

In the second paragraph on page 2 of the above-identified Office action, claims 1-3, 6-7, 9, and 10 have been rejected as being fully anticipated by Toshimi et al. (erroneously called Toshiaki in the Office action) (JP 01012018 A) (hereinafter "Toshimi") under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 11, lines 9-13 of the specification, where it is disclosed that the honeycomb body 1 is formed with layers of metal foil 3, which at least in part are formed with structures 2 that define passages. Accordingly, no new matter has been added.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Applic. No. 10/653,793

Amdt. dated May 17, 2005

Reply to Office action of February 17, 2005

Claim 1 calls for, *inter alia*:

subsequently forming the metal foils for at least partially providing structures on the metal foils and processing the at least partially structured metal foils with a process selected from the group of stacking and winding to form a honeycomb structure with passages defined by the structures on the metal foils for conducting a gas therethrough.

It is respectfully noted that the Examiner incorrectly stated that "the only temporal order of processes is that the 'structuring at least partially' occurs after the voids have been formed" (response to arguments page 4). This statement was not correct even before the amendment to claim 1, which disclosed "processing the at least partially structured metal foils..." which means that the metal foils are already structured when processing (stacking/winding) takes place.

With the amendment to claim 1, the structuring of the metal foils is even more clearly defined. The amendment further differentiates claim 1 over Toshimi. Accordingly, contrary to the Examiner's position in item 1 on page 4 of the Office action, the process step of winding in Toshimi does not anticipate the process step of structuring as recited in claim 1 of the instant application.

Applic. No. 10/653,793

Amdt. dated May 17, 2005

Reply to Office action of February 17, 2005

None of the "structuring" process steps extracted from Toshimi by the Examiner is a structuring process according to claim 1 of the instant application.

The Toshimi reference discloses the implementation of recesses by drilling a plurality of holes in a metal plate before the winding a metal carrier. Toshimi discloses that "plural holes 50-52 are drilled in the metal carrier catalyzer 20 made up of assembling a flat metal plate 21 and a corrugated metal plate 22 as one body at specified intervals" (abstract constitution). Therefore, Toshimi discloses that the holes are drilled in the corrugated metal plate and the flat plate in the same drilling operation.

The reference does not show subsequently forming the metal foils for at least partially providing structures on the metal foils and processing the at least partially structured metal foils with a process selected from the group of stacking and winding to form a honeycomb structure with passages defined by the structures on the metal foils for conducting a gas therethrough, as recited in claim 1 of the instant application. Toshimi discloses that the holes are drilled in the metal carrier catalyzer, where the catalyzer includes the flat metal plate and the corrugated metal plate. Toshimi does

Applic. No. 10/653,793

Amdt. dated May 17, 2005

Reply to Office action of February 17, 2005

not disclose that the holes are produced before the metal foils are formed to be at least partially provided with structures. This is contrary to the invention of the instant application as claimed, which recites subsequently forming the metal foils for at least partially providing structures on the metal foils and processing the at least partially structured metal foils with a process selected from the group of stacking and winding to form a honeycomb structure with passages defined by the structures on the metal foils for conducting a gas therethrough.

Since claim 1 is believed to be allowable, dependent claims 2-3, 6-7, 9, and 10 are believed to be allowable as well.

In the third paragraph on page 3 of the Office action, claims 4-5, 8, and 11-15 have been rejected as being obvious over Toshimi (JP 01012018 A) under 35 U.S.C. § 103. Since claim 1 is believed to be allowable, dependent claims 4-5, 8, and 11-15 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since

Applic. No. 10/653,793

Amdt. dated May 17, 2005

Reply to Office action of February 17, 2005

all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-15 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,

Alfred K. Dassler
52,794


For Applicant(s)

AKD:cgm

May 17, 2005

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101